

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Henry James Malloy, III

Docket No. 5:02-CR-71-1BO

Petition for Action on Supervised Release

COMES NOW Eddie J. Smith, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Henry James Malloy, III, who, upon an earlier plea of guilty to 18 U.S.C. § 922(g)(1), Possession of a Firearm by a Convicted Felon, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on December 13, 2002, to the custody of the Bureau of Prisons for a term of 105 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

Additionally, the defendant was ordered to pay a \$100 special assessment and a \$10,000 fine. Henry James Malloy, III, was released from custody on January 21, 2011, at which time the term of supervised release commenced. On September 6, 2011, the court agreed to hold the defendant's fine payments in abeyance due to his limited job skills and his inability to secure gainful employment.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: The defendant's term of supervision is due to expire on January 20, 2014, and he still has an outstanding fine balance of \$9,425.00. During the course of supervision, the defendant has been financially supported by his family. He has limited job skills and has primarily done odd jobs for his aunt to maintain his living expenses. He has remained cooperative with the probation officer and received no new criminal charges while on supervision. At this time, we are recommending that the remaining fine balance be remitted. We have contacted the U.S. Attorney's Office who have no objection to this recommendation.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows: The remaining fine balance of \$9,425.00 be remitted.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Robert K. Britt
Robert K. Britt
Senior U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Eddie J. Smith
Eddie J. Smith
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: January 10, 2014

ORDER OF COURT

Considered and ordered this 12 day of January, 2014, and ordered filed and made a part of the records in the above case.

Terrence Boyle
Terrence W. Boyle
U.S. District Judge